

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

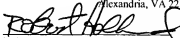
Applicant:	Ian Miska	Examiner:	Cassandra Hope Davis
Appl. No.:	10/820,836	Art Group:	3611
Filing Date:	April 8, 2004	Our File No.:	39383.00.0006
Conf. No.:	8472		
Title:	PRESENTATION APPARATUS FOR ARTWORK		

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper is being transmitted electronically to the Electronic Business Center at the USPTO at the address and on the date shown below:

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Robert Holland

7/30/07
Date

REQUEST FOR RECONSIDERATION

Dear Sir:

Applicant has received a final Office Action mailed July 19, 2007. A copy is enclosed as Exhibit A.

The Examiner's rejection was made final in accordance with a statement by the Examiner in Para. 12 of the Office Action, wherein it was stated that "Applicant's Amendment necessitated the ground(s) for rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**"

Applicant disagrees with the finality of the Office Action dated July 19, 2007, and requests reconsideration and removal of the finality of the Office Action.

Claims at issue are claims 3 and 5. Claim 3 was not amended in Applicant's prior Response. Claim 5 was amended in a minor way. The phrase "die cut" was amended to be a hyphenated word, i.e., "die-cut." This is the only amendment in the claim. This amendment to

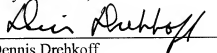
the claims is insignificant and cannot be a basis for having the Examiner perform another search and rejecting claims 3 and 5 and indicating the Office Action is FINAL. Previously, in the Office Action dated December 19, 2006, claim 5 was allowed and claim 3 was not addressed. The amendment to the claims in the Response dated April 19, 2007, were made to place the claims in condition for allowance.

Applicant respectfully requests the removal of the finality of the Office Action dated July 19, 2007.

If any fees are due for this submission, the Commissioner is hereby authorized to charge any payment or credit any overpayment to Deposit Account No. 22-0259.

Date: July 30, 2007

Respectfully submitted,

By: 
W. Dennis Drehkoff
Registration No. 27,193

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34383-00.0006
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,836

04/08/2004

Ian Miska

39383.00.0006

8472

23418

7590

07/19/2007

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

MAIL DATE

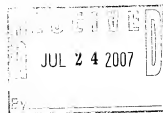
DELIVERY MODE

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary**Application No.**

10/820,836

Applicant(s)

MISKA, IAN

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 3, 5, 33, 35, 39 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) 41-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 33 and 35 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiederseim, U. S. Patent 956,916 in view of Engelhardt, U. S. Patent 4,681,253 and Marder, US 2472114.
3. Wiederseim teaches a display comprising a one-piece folder construction having a first side panel (2) and a back section (1), wherein the first panel is foldable over the back section and has slot 8 that engages the tab 9 of back section. The first panel (2) having a viewing section comprising a die- cut window (3). When the back section is engaged with the first side panel the back section has a curvilinear design. Wiederseim does not teach the display having a plastic sheet over the die cut window.
4. Engelhardt teaches a foldable display having a front or first panel having a window 17 covered with a plastic transparent sheet 18. It would have been obvious to one having ordinary skill in the art at the time this

invention was made to construct the window of the display taught by Wiederseim covered with a plastic sheet as taught by Engelhardt to provide a means to protect the interior of the display.

5. Marder teaches a picture frame 5 with a front transparent sheet 6 having opaque image thereof for cooperation with display sheets 8 mounted behind the sheet 6. It would have been obvious to construct the plastic sheet taught by Engelhardt with opaque indicia thereon as taught by Marder to provide a means create a three-dimensional image.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiederseim, U. S. Patent 956,916 in view of Engelhardt, U. S. Patent 4,681,253 and Myers, US 5035929.

7. Wiederseim teaches a display comprising a one-piece folder construction having a first side panel (2) and a back section (1), wherein the first panel is foldable over the back section and has slot 8 that engages the tab 9 of back section. The first panel (2) having a viewing section comprising a die- cut window (3). When the back section is engaged with the first side panel the back section has a curvilinear design. Wiederseim does not teach the display having a plastic sheet over the die cut window.

8. Engelhardt teaches a foldable display having a front or first panel having a window 17 covered with a plastic transparent sheet 18. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the window of the display taught by Wiederseim covered with a plastic sheet as taught by Engelhardt to provide a means to protect the interior of the display.

9. Myers teaches a picture with a lenticular image. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture of the device taught by Wiederseim and Engelhardt with a flexible lenticular picture as taught by Myers to provide a device with an enhance three-dimension effect.

Allowable Subject Matter

10. Claims 33 and 35 are allowed.

11. The indicated allowability of claim 3 and 5 is withdrawn in view of the newly discovered reference(s) to Marder and Myers et al. Rejections based on the newly cited reference(s) recited above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
July 9, 2007

Notice of References Cited

Application/Control No.

10/820,836

Applicant(s)/Patent Under

Reexamination

MISKA, IAN

Examiner

Cassandra Davis

Art Unit

3611

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,472,114	06-1949	MARDER HERBERT B	434/404
*	B	US-5,035,929	07-1991	Myers et al.	428/30
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a))
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.